

## CIVIL CASE MANAGEMENT PLAN

### UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF NEW YORK

---

Antonyuk, et al.,

vs

Case No. 1:22-cv-986 (GTS/PJE)

James, et al.,

---

**IT IS HEREBY ORDERED** that, pursuant to Rule 16(b), Federal Rules of Civil Procedure, a status and scheduling conference will be held in this case before the Honorable Judge Paul Evangelista, United States Magistrate Judge, on 07/01/25 at 10 am/~~XX~~ pm at the United States Courthouse, at Room Number       , at remotely, New York.

Counsel for all parties or individuals appearing pro se in the above-captioned action are directed to confer in accordance with Fed. R. Civ. P. 26(f) with respect to all of the agenda items listed below, no later than **twenty-one (21)** days before the scheduled Rule 16 Conference. Following that Rule 26(f) meeting, a report of the results of the conference, in the format set forth below, must be filed with the clerk no later than **seven (7) days** prior to the scheduled Rule 16 conference with the Court. Matters which the Court will discuss at the status conference will include the following: (insert a separate subparagraph as necessary if parties disagree):

1. **JOINDER OF PARTIES:** Any application to join any person as a party to this action shall be made on or before 07/15/25.
2. **AMENDMENT OF PLEADINGS:** Any application to amend the pleadings to this action shall be made on or before 07/31/25.
3. **DISCOVERY:** All discovery in this action shall be completed on or before 01/30/26.  
**(Discovery timetable is to be based on the complexity of the action)**
4. **MOTIONS:** All motions, including discovery motions, shall be made on or before 02/20/26.  
**(Non-Dispositive motions including discovery motions may only be brought after the parties have complied with Section IX of General Order #25)**

5. **EXPERT WITNESS DISCLOSURE:** Plaintiff's Expert Witness disclosure shall be exchanged on or before 10/31/25 (at least 90 days before the close of discovery). Defendant's Expert Witness disclosure shall be exchanged on or before 12/12/25 (at least 45 days before the close of discovery). Rebuttal Expert Witness Disclosure shall be exchanged on or before 12/31/25 (at least 30 days before the close of discovery).
6. **MANDATORY MEDIATION:** A stipulation selecting mediator must be filed on or before \_\_\_\_\_. Mediation must be completed on or before Parties do not believe mediation will be successful.
7. **PROPOSED DATE FOR THE COMMENCEMENT OF TRIAL:** The action will be ready to proceed to trial on or before 06/01/26. It is anticipated that the trial will take approximately 2-3 days to complete. The parties request that the trial be held in Syracuse, N.Y. (**The proposed date for the commencement of trial must be within 18 months of the filing date.**)
8. **Have the parties filed a Jury Demand?**  (YES)  (NO).
9. **What is the basis of the Court's subject matter jurisdiction? If it is diversity jurisdiction under 18 USC § 1332(a), does the complaint allege the citizenship of each party, including the citizenship of all members of any LLC or partnership? See 250 Lake Avenue Associates, LLC v. Erie Insurance Co., 281 F. Supp 3d 335, 341 (W.D.N.Y. 2017) ("[A]n LLC has the citizenship of each of its members for diversity jurisdiction purposes.")**  
28 USC 1331, 1343, 1651, 2201, 2202 and 42 USC 1983/1988  


---

---

---
10. **Are the parties subject to the Court's jurisdiction? Have all parties been served?**  
All parties are subject to the Court's jurisdiction and all parties have been served.  


---

---

---
11. **What are the factual and legal bases for Plaintiff's claims and Defendant's defenses (including counterclaims and crossclaims, if applicable)?**  
Plaintiffs claim that the Concealed Carry Improvement Act violates their Second Amendment rights. Defendants oppose.  


---

---

**12. What factual and legal issues are genuinely in dispute?**

Whether the licensing procedures, good moral character standard, private property provision, and sensitive location provisions of the Concealed Carry Improvement Act are consistent with the principles underlying the Second Amendment.

---

**13. Can the issues in litigation be narrowed by agreement or by motions? Are there dispositive or partially dispositive issues appropriate for decision on motion?**

The constitutionality of the challenged laws is a legal question appropriate for resolution via cross-motions for summary judgment. The parties will need to engage in substantive discussions about what may be possible via motion or agreement.

---

**14. What specific relief do the parties seek? What are the damages sought?**

Plaintiffs seek an Order declaring the challenged portions of the CCIA to be unconstitutional; Plaintiffs seek all costs and attorneys fees.

---

---

**15. DISCOVERY PLAN**

**A. Mandatory Disclosures**

The parties will exchange the mandatory disclosures required under Rule 26(a)(1) at least **seven (7) days** prior to the date of the Rule 16 conference, unless they have obtained prior approval from the assigned Magistrate Judge to extend that deadline.  
Parties will exchange disclosures by June 24.

---

**B. Subjects of Disclosure**

The parties jointly agree that discovery will be needed to address the following subjects: Plaintiffs believe minimal discovery is necessary as these are primarily questions of law. The State Defendants anticipate serving interrogatories, taking each Plaintiff's deposition, and perhaps further discovery.

---

**C. Discovery Sequence**

Describe the parties' understanding regarding the timing of the discovery, and state whether it is anticipated that discovery will be phased to address different issues in stages.  
Parties do not believe discovery needs to be phased. The State Defendants would not object to separating fact and expert discovery.

---

**D. Written Discovery**

Describe the written discovery demands which the parties contemplate serving under Rules 33, 34 and 36, including when they will be promulgated, that areas to be covered, and whether there is any need for any party to exceed the number of interrogatories permitted under Rule 33.

Plaintiffs believe minimal discovery is necessary as these are primarily questions of law. The State Defendants anticipate serving interrogatories and basic document requests.

---

**E. Depositions**

Set forth the parties' expectations regarding depositions, including the approximate number to be taken, their location, a general description of the deponents, and an indication of whether any non-party fact depositions are anticipated.

Plaintiffs believe minimal discovery is necessary as these are primarily questions of law. The State Defendants intend to take each Plaintiff's deposition.

---

**F. Experts**

Set forth the parties' expectations regarding the retention of experts, and identify any particular issues to be addressed by the court concerning the retention and exchange of the information regarding experts, including whether the parties seek a variance from the expert disclosure requirements of the form uniform pretrial scheduling order typically issued by the court (i.e., initial expert disclosure at least ninety days, responsive expert disclosures at least forty-five days, and rebuttal reports due at least thirty days, before the close of discovery).

Plaintiffs do not anticipate retaining experts at this time. The State Defendants expect to retain one or more experts.

---

**G. Electronic Discovery**

Set forth the parties' understanding and expectations regarding discovery of electronically stored information. This description should include any agreements reached with respect to the retention of electronically stored information and the manner in which it will be produced, if requested. The parties should also identify any agreements regarding the manner in which electronically stored information subject to claims of privilege or work product protection will be handled, and whether a court order will be requested, either on stipulation or otherwise, to address this issue. If an agreement has been reached on the entry of such an order, provide a brief description of the provisions which will be included in a proposed order.

Plaintiffs and the State Defendants do not believe electronic discovery will be at issue in this case.

---

**H. Protective Orders**

If the parties anticipate requesting a protective order from the court pursuant to Rule 26(c), describe the basis for the request and nature of the proposed protective order.

Plaintiffs and the State Defendants do not anticipate needing a protective order.

---

---

**I. Anticipated Issues Requiring Court Intervention**

Provide a brief description of any discovery related issues which, the parties reasonably anticipate, may require court intervention.

Plaintiffs and the State Defendants do not anticipate requiring court intervention regarding discovery at this time.

---

---

**16. Is it possible to reduce the length of trial by stipulations, use of summaries or statements, or other expedited means or presenting evidence? Is it feasible and desirable to bifurcate issues for trial?**

Plaintiffs and the State Defendants do not believe bifurcation is desirable, but will work to stipulate and/or expedite presentation of evidence at the appropriate time.

---

---

**17. Are there any related cases pending before the Judges of this Court?**

Plaintiffs and the State Defendants are not aware of any related cases pending before Judges of this Court.

---

---

**18. In Class Actions, when and how will the class be certified?**

n/a

---

---

---

---

**19. What are the prospects for settlement? Please check below the prospect for settlement:**

1  2  3  4  5  6  7  8  9  10   
(Very unlikely → → → → → → Likely)

A. Settlement cannot be evaluated prior to \_\_\_\_\_ (Date).

B. How can settlement efforts be assisted?

Parties do not believe this case can be settled.

---



---

*(Do not indicate any monetary amounts at this time, settlement will be explored by the Magistrate Judge at the time of the initial status conference)*

**Complete Question 19 only if your filing order Cover Sheet was checked as an ADR Track case – Subject to Mandatory Mediation under General Order #47.**

**20. If your case was selected as a qualifying mandatory mediation case, confirm that you have:**

- A. Reviewed General Order #47 Yes  No
  - B. Reviewed the List of Court Approved  
Mediators available on the NDNY website? Yes  No
  - C. Prepared to discuss with the Court, at the  
conference, whether your case should be  
opted out of the program? Yes  No
  - D. Discussed the time frame needed to  
complete Mandatory Mediation? Yes  No
- 

Pursuant to Fed. R. Civ. P. 25(f), a meeting was held on 6/12, 6/17

and was attended by: \_\_\_\_\_ (Date)

Stephen Stamboulieh \_\_\_\_\_ for plaintiff(s)

/s/ JJ Pelligrina (by permission) \_\_\_\_\_ for defendant(s) Oswego County Defendants

/s/ John E. Heisler Jr. (by permission) \_\_\_\_\_ for defendant(s) William Fitzpatrick and Tobias J. S.

/s/ Michael Goldstein (by permission) for defendants Albany County Defendants

At the Rule 16(b) conference, the Court will issue an order directing the future proceedings in this action. The parties are advised that failure to comply with this order may result in the imposition of sanctions pursuant to Federal Rules of Civil Procedure 16(f).

***Please detach this case management plan form and file electronically with the clerk no later than seven (7) days in advance of the conference date.***

B. How can settlement efforts be assisted?

Parties do not believe this case can be settled.

---



---

*(Do not indicate any monetary amounts at this time, settlement will be explored by the Magistrate Judge at the time of the initial status conference)*

**Complete Question 19 only if your filing order Cover Sheet was checked as an ADR Track case – Subject to Mandatory Mediation under General Order #47.**

**20. If your case was selected as a qualifying mandatory mediation case, confirm that you have:**

- A. Reviewed General Order #47 Yes  No
  - B. Reviewed the List of Court Approved  
Mediators available on the NDNY website? Yes  No
  - C. Prepared to discuss with the Court, at the  
conference, whether your case should be  
opted out of the program? Yes  No
  - D. Discussed the time frame needed to  
complete Mandatory Mediation? Yes  No
- 

Pursuant to Fed. R. Civ. P. 25(f), a meeting was held on 6/12, 6/17  
(Date) and was attended by:

Stephen Stamboulieh \_\_\_\_\_ for plaintiff(s)

Joseph Cecile \_\_\_\_\_ for defendant(s) Joseph Cecile

for defendant(s) \_\_\_\_\_

At the Rule 16(b) conference, the Court will issue an order directing the future proceedings in this action. The parties are advised that failure to comply with this order may result in the imposition of sanctions pursuant to Federal Rules of Civil Procedure 16(f).

***Please detach this case management plan form and file electronically with the clerk no later than seven (7) days in advance of the conference date.***

B. How can settlement efforts be assisted?

Parties do not believe this case can be settled.

---

*(Do not indicate any monetary amounts at this time, settlement will be explored by the Magistrate Judge at the time of the initial status conference)*

Complete Question 19 only if your filing order Cover Sheet was checked as an ADR Track case  
– Subject to Mandatory Mediation under General Order #47.

20. If your case was selected as a qualifying mandatory mediation case, confirm that you have:

A. Reviewed General Order #47

Yes  No

B. Reviewed the List of Court Approved  
Mediators available on the NDNY website?

Yes  No

C. Prepared to discuss with the Court, at the  
conference, whether your case should be  
opted out of the program?

Yes  No

D. Discussed the time frame needed to  
complete Mandatory Mediation?

Yes  No

---

Pursuant to Fed. R. Civ. P. 25(f), a meeting was held on 6/12, 6/17

and was attended by: \_\_\_\_\_ (Date)

Stephen Stamboulieh \_\_\_\_\_ for plaintiff(s)

 for defendant(s) STEPHEN STAMBOLIEH

for defendant(s) \_\_\_\_\_

At the Rule 16(b) conference, the Court will issue an order directing the future proceedings in this action. The parties are advised that failure to comply with this order may result in the imposition of sanctions pursuant to Federal Rules of Civil Procedure 16(f).

*Please detach this case management plan form and file electronically with the clerk no later than seven (7) days in advance of the conference date.*

B. How can settlement efforts be assisted?

Parties do not believe this case can be settled.

---

---

*(Do not indicate any monetary amounts at this time, settlement will be explored by the Magistrate Judge at the time of the initial status conference)*

**Complete Question 19 only if your filing order Cover Sheet was checked as an ADR Track case – Subject to Mandatory Mediation under General Order #47.**

**20. If your case was selected as a qualifying mandatory mediation case, confirm that you have:**

- A. Reviewed General Order #47 Yes  No
- B. Reviewed the List of Court Approved  
Mediators available on the NDNY website? Yes  No
- C. Prepared to discuss with the Court, at the  
conference, whether your case should be  
opted out of the program? Yes  No
- D. Discussed the time frame needed to  
complete Mandatory Mediation? Yes  No
- 

Pursuant to Fed. R. Civ. P. 25(f), a meeting was held on 6/12, 6/17  
(Date) and was attended by:

Stephen Stamboulieh \_\_\_\_\_ for plaintiff(s)

 James and Doran \_\_\_\_\_  
for defendant(s) \_\_\_\_\_

for defendant(s) \_\_\_\_\_

At the Rule 16(b) conference, the Court will issue an order directing the future proceedings in this action. The parties are advised that failure to comply with this order may result in the imposition of sanctions pursuant to Federal Rules of Civil Procedure 16(f).

***Please detach this case management plan form and file electronically with the clerk no later than seven (7) days in advance of the conference date.***